

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5462 OF 2024

Fahim Jafar Shaikh

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

WITH

BAIL APPLICATION NO. 5327 OF 2024

Fahim Jafar Shaikh

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. Husen Shaikh, Advocate for Applicant
- Mr. Hitendra J. Dedhia, APP for Respondent No. 1 - State in BA 5462/24
- Mr. Balraj B. Kulkarni, APP for Respondent No. 1 - State in BA 5327/24
- Ms. Priyanka B. Chavan, Advocate (appointed) for Respondent No. 2

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2025

P. C.:

1. Heard.

2. Present two Bail Applications pertain to the same Applicant. In one Bail Application, first informant is mother of the prosecutrix whereas in second Bail Application, first informant is Officer of the Rescue Foundation where the prosecutrix was housed after the alleged incident stated in the second FIR. Mr. Shaikh would submit that there

are 3 FIRs filed against the Applicant back to back, first by the father of victim for kidnapping and the other two by the mother and the Rescue Foundation Officer invoking POCSO.

3. He would submit that the first FIR was lodged by father of prosecutrix – victim on she going missing from the house which is not the subject matter of the present Bail Applications but he would persuade the Court to allow him to refer to and rely upon the same for the sake of continuity since according to him allegations made in the second and the third FIR are on identical lines. Copy of the first FIR is annexed to the Application.

4. Ms. Chavan, learned (appointed) Advocate for Respondent No. 2 would persuade the Court to pass appropriate directions for placing the medico-legal examination report of the Applicant in the present case which is not appended to the Application.

5. Learned APP is directed to ensure that concerned the Investigating Officers (IOs) in both Applications shall bring the copy of this order to the notice of the concerned hospital and obtain a legible and readable copy of the medico-legal examination report of the prosecutrix and place the same before the Court. Concerned Dean and in-charge of the Hospital is directed by Court to ensure that a legible and readable copy of the medico-legal examination report is given to

the IO. Copy of same shall be handed over to learned Advocate for Applicant as also the learned appointed Advocate.

6. Stand over to 25th April, 2025 at 2.30 p.m.

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[MILIND N. JADHAV, J.]